

REMARKS

This Response accompanies the Request for Continued Examination (RCE) under 37 CFR 1.114 filed herewith, and replies to the Advisory Action mailed November 10, 2003, in which the rejection of claims 1-29 as set forth in the Final Office Action mailed August 27, 2003, was maintained. With this Response claims 1, 2, 5, 6, 14 and 15 are amended. Claims 1-29 are presented for reconsideration and allowance. Claims 30-38 were previously withdrawn from the application as being drawn to a non-elected species.

Claim Rejections under 35 U.S.C. § 103

As set forth in the Final Office Action mailed August 27, 2003, and maintained in the Advisory Action mailed November 10, 2003, claims 1-5, 9, 12-14, 18-21, 24, 25 and 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McHugh et al. (U.S. Patent No. 5,286,207) in view of Komatsu et al. (U.S. Patent No. 5,139,435).

Independent claim 1 has been amended herewith and now claims a header connector apparatus configured to receive an electronic card. The apparatus comprises a body having first and second spaced apart side arms formed integrally with the body. The first and second side arms are configured to receive the card therebetween. The first side arm has a longitudinally extending first dovetail member. An actuator button has a longitudinally extending second dovetail member configured to mate with the first dovetail member to allow the button to move longitudinally relative to the body. A monolithic ejector mechanism is coupled to the body and the button. The monolithic ejector mechanism is configured to slide against the body and eject the card from the body upon longitudinal movement of the button relative to the body.

Independent claim 14 has been amended herewith and now claims a header connector apparatus configured to receive an electronic card. The apparatus comprises a body having first and second spaced apart side arms configured to receive the card therebetween, the body being formed to include an opening adjacent the second arm. A button is coupled to the first arm. The button is configured to move relative to the first arm. The button is formed to include a notch portion. The apparatus further comprises a monolithic ejector mechanism having first and second opposite flanges. The first flange is

located in the notch portion of the button to couple the ejector mechanism to the button. The second flange extends through the opening formed in the body adjacent the second arm. The ejector mechanism also has a pivot cam positioned between the first and second flanges, so that movement of the button causes the ejector mechanism to slide against the body and pivot about the pivot cam to eject the card.

Independent claims 1 and 14 both specify that the ejector mechanism of the present application is a monolithic ejector mechanism that slides against the body. As acknowledged by the Examiner, McHugh et al. fails to teach a monolithic ejector mechanism. The Applicants respectfully re-assert that the acknowledged deficiency of McHugh et al. is not overcome by combination with Komatsu et al. or the other references of record. In the Advisory Action mailed November 10, 2003, the Examiner states that the cam 7 of Kamatsu "is a one-piece monolithic cam, thus meeting the definition of a monolithic ejector mechanism, therefore teaching the claimed limitations." However, Applicants respectfully maintain that **each of the prior art references, including Komatsu et al., teaches the use of multiple parts to form an ejection mechanism for ejecting or extracting the card.** This is in contrast to the monolithic ejection mechanism of the present application, in which no other components, such as pivot pins, rivets, etc., are required to enable ejection of a card from the header connector apparatus.

In Komatsu et al., the cam 7 does not comprise the entire ejection mechanism. A full and complete reading of Komatsu et al. shows that **cam 7 must be combined with pins 71 and 81** to enable operation of cam 7. **The Examiner is not free to ignore the presence of pins 71, 81 in Komatsu and their necessity for the operation of the device.**

The Examiner has also stated that it would have been obvious at the time the invention was made to make an integral/monolithic ejector mechanism, the motivation being a reduction in the number of independent parts. However, the prior art teaches away from the monolithic ejector mechanism of the present invention by consistently teaching the use of ejector mechanisms which comprise assemblies having a plurality of parts, and the use of pivot pins in particular. In addition, the plurality of parts that comprise the prior art ejector mechanisms are parts that move relative to each other. **Making the parts of McHugh as a monolithic structure (as suggested by the Examiner) would render the assembly inoperable by eliminating any relative movement of the parts.** Thus, it

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would not be obvious to one skilled in the art to make the ejection mechanism of McHugh as a single component.

As amended in claims 1 and 14, the monolithic ejector mechanism of the present invention slides against the body. Although plate 72 of McHugh slides against housing 12, the ejection mechanism of McHugh is not a monolithic ejector mechanism and, for the reasons set forth above, could not be made as a monolithic structure without rendering the mechanism inoperable. As explained above, Komatsu does not show a monolithic ejector mechanism, and the cam 7 of Komatsu does not slide against body 1. At best, cam 7 of Komatsu slides against pin 71, which is clearly not the same as body 1. Therefore, combining cam 7 of Komatsu with the device of McHugh still does not make obvious the invention as presented in amended claims 1 and 14 of the application.

Accordingly, for the reasons provided above, it is respectfully submitted that amended independent claims 1 and 14 are not obvious in view of McHugh et al., either alone or in combination with Komatsu et al, or other references of record. Therefore, Applicants respectfully request withdrawal of the rejection of amended independent claims 1 and 14 under 35 U.S.C. § 103(a).

Dependent claims 2-5, 9, 12, 13, 18-21, 24, 25 and 28-29 depend either directly or indirectly from independent claims 1 and 14, which are allowable for the reasons discussed above. Claim 2 has been amended to conform to the language of amended independent claim 1, while claim 5 has been amended to insert a comma to correct the punctuation of the claim. Because independent claims 1 and 14 are not obvious in view of the combination of McHugh et al. and Komatsu et al., neither are those claims which depend from independent claims 1 and 14. Accordingly, withdrawal of the rejection of dependent claims 2-5, 9, 12, 13, 18-21, 24, 25 and 28-29 under 35 U.S.C. § 103(a) is respectively requested.

Claims 6-8, 15-17, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McHugh et al./Komatsu et al., as applied to claim 1 above, and further in view of Broschard, III, et al. (U.S. Patent No, 5,389,001). The Examiner details the deficiencies of the McHugh et al. /Komatsu et al. combination, and elaborates how Broschard, III, et al. overcomes those deficiencies to make dependent claims 6-8, 15-17,

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22 and 23 obvious in view of the combination of McHugh et al., Komatsu et al. and Broschard, III, et al.

As discussed above, neither of amended independent claims 1 and 14 is obvious in view of the combination of McHugh et al. and Komatsu et al. Claims 6 and 15 have been amended to conform to the language of amended independent claims 1 and 14, respectively. Dependent claims 6-8, 15-17, 22 and 23 depend, either directly or indirectly, from independent claims 1 and 14, which are in allowable condition for the reasons discussed above. Accordingly, dependent claims 6-8, 15-17, 22 and 23 are also in allowable condition. Therefore, withdrawal of the rejection of claims 6-8, 15-17, 22 and 23 under 35 U.S.C. § 103(a) is respectively requested.

Claims 10, 11, 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the McHugh et al./Komatsu et al. combination as applied to claim 1 above, and further in view of Okubo et al. (U.S. Patent No. 5,145,389). The Examiner details the deficiencies of the McHugh et al./Komatsu et al. combination, and further elaborates how Okubo et al. overcomes those deficiencies to make claims 10, 11, 26 and 27 obvious in view of the combination of McHugh et al. and Okubo et al.

As discussed above, neither of independent claims 1 and 14 is obvious in view of the combination of McHugh et al. and Komatsu et al. Dependent claims 10, 11, 26 and 27 depend from independent claims 1 and 14, either directly or indirectly, which are allowable for the reasons discussed above. Accordingly, claims 10, 11, 26 and 27 are also in allowable condition. Therefore, withdrawal of the rejection of claims 10, 11, 26 and 27 under 35 U.S.C. § 103(a) is respectively requested.

CONCLUSION

For at least the reasons set forth above, amended independent claims 1 and 14, and those claims which depend therefrom, are in allowable condition and notice to that effect is respectfully requested.

The Examiner is invited to contact Applicant's representative at the below-listed telephone number to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Matthew B. McNutt at Telephone No. (512) 231-0531, Facsimile No. (512) 231-0540 or

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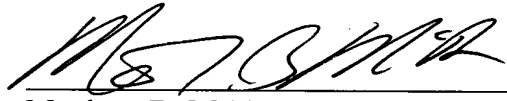
Yen Florczak at Telephone No. (512) 984-4669, Facsimile (512) 984-2020. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: **Box RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of December, 2003.

By 
Name: Matthew B. McNutt